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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,698	03/22/2004	Alfred N. Basilicato	NUMO-0030	8729
23377	7590	11/29/2005	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE, 46TH FLOOR 1650 MARKET STREET PHILADELPHIA, PA 19103			SMITH, TIMOTHY SCOTT	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/805,698	Applicant(s) BASILICATO ET AL.	
	Examiner Timothy S. Smith	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action represents a non-final first Office Action for the application titled "BOOM DEVICE FOR PRESENTATION APPLIANCES," filed March 22, 2004.

Priority

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(e).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 conflicts with claim 2. In particular, claim 2 claims a base connecting the first and second set of upright members, and in claim 9, applicant claims a separate base connecting each of a respective first and second upright members. It is unclear how the invention can have a separate base member connecting each of a respective first and second upright members, and furthermore which base member is being referred to.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 2, 7, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,855,964 to Higginbotham.

Higginbotham discloses support stand apparatus comprising: a first set of upright members (5) capable of communicating with a screen, a second set of upright members (4) in communication with a projector (D), wherein the projector is capable of being located above and in front of a screen (page 1, column 1, states that the projector can be moved into any desired position, accordingly, the projector could be moved to a position above a screen), and a base (1) connecting the first and the second set of upright members, a dampening device (6) positioned between the first and the second set of upright members, a shelf (13) positioned between and in communication with the first or the second set of upright members.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higginbotham in view of U.S. Patent No. 6,736,516 to Le Roy et al.

Higginbotham discloses the support as applied above, but fails to disclose a boom arm movably attached to the second set of upright members, wherein one end of the boom arm supports the projector, wherein the boom arm also supports a weight, wherein the weight is positioned to counterbalance the projector about the second set of upright members, wherein the boom arm also supports a weight, the weight acting to minimize vibration of the projector, and thereby to a projected display, caused by energy translated through the second set of upright members, and wherein the weight is attached to the boom arm by a flexible, elastic, or spring-loaded mechanism to absorb energy translated through the second set of upright members. Nevertheless, Le Roy et al. discloses in figure 9, a boom arm (boom arm is comprised of elements 122, 124, and 128) movably attached to a set of upright members (102, 104), wherein one end of the boom arm supports a projector (120), wherein the boom arm also supports a weight (204), wherein the weight is positioned to counterbalance the projector about the second set of upright members (column 3, lines 32-34...further, the position of the weight can be altered with respect to the set of upright members and cables in order to stabilize the support stand), wherein the weight acts to minimize vibration of the projector (column 3, lines 32-34), wherein the weight is attached to the boom arm by a flexible, elastic, or spring-loaded mechanism (140, 148) to absorb energy translated through the set of upright members. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the

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projector base (24) of Higginbotham with the boom arm assembly of Le Roy et al. because one would have been motivated to provide a stronger, more stable projection system that allows a user to easily access the screen to make repairs when needed.

Response to Arguments

8. Applicant's arguments filed August 24, 2005 have been fully considered but they are not persuasive.

Regarding the applicant's response, the examiner is not required to articulate the specific reasons as to why the inventions are independent or distinct, nor is the examiner required to show separate classification, or separate status in the art, or different field of search when restricting between species. Because the applicant has not articulated why the species are not patentably distinct, restriction between the species is proper.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. Nos. disclose

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Smith whose telephone number is 571-272-8296. The examiner can normally be reached on M-F: 8:30AM to 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

TSS

Timothy S. Smith
Patent Examiner
Art Unit 3632
November 22, 2005

 11/23/05

ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600